

Town Board Minutes

June 1, 2015

Meeting No. 18

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 1st day of June 2015 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT
OFFICER
GERALD GILL, CHIEF OF POLICE
MARK LUBERA, PARK CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matter:

- Contract for three Police vehicles – why the disparity on trade-ins value and what is mileage on each vehicle?

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Bond resolution for reconstruction of and construction of improvements and additions to culverts and bridges.
- Commends the Board for rezone denial.
- Urges denial of Bowen Road/William Street rezone.

Fronczak, Mike, spoke to the Town Board on the following matters:

- What is the mileage on each vehicle to be traded-in by Police Department?
- Asked why are there amendments to the Code?
- Questions regarding proposed Hidden Meadows Subdivision.
- Questions regarding bollards at Public Safety Building.
- Dumping Permit issued for Townline Road property.

Gill, Gerald, Police Chief, spoke to the Town Board on the following matter:

- Informed the Board about the vehicle mileage to date on vehicles to be traded-in: 93,000 miles, 83,000 miles, 73,000 miles.

Lewandowski, Jeanette, spoke to the Town Board on the following matter:

- Alleges that her neighbor changed the grade of their property and caused drainage of water on her property.

Maciuba, Dave, spoke to the Town Board on the following matter:

- Concerns about proposed Hidden Meadows Subdivision in his neighborhood.

Meginley, Pat, spoke to the Town Board on the following matter:

- Concerns about proposed Hidden Meadows Subdivision in his neighborhood.

Miller, Michael, spoke to the Town Board on the following matter:

- Requests that his street be resurfaced soon.

Morton, Ted, Erie County Legislator, spoke to the Town Board on the following matter:

- Indicated that he has asked for a study by Erie County Highway Department for William Street and Pleasantview Drive.

Sporysz, Michelle, spoke to the Town Board on the following matter:

- Thanks Board for denying rezone petition of Tyler Development.

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and
the Planning Board held May 18, 2015 and the Regular Meeting of the Town Board held
May 18, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 40059 to Claim No. 40196 Inclusive

Total amount hereby authorized to be paid: \$547,476.36

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

File: Rclaims

A motion to amend the following resolution was made by Council Member Abraham, and seconded by Council Member Stempniak for the purpose of removing Permit #23956.

The question was duly put to a vote, which resulted as follows:
ALL IN FAVOR, NONE APPOSED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
23886		Michael Jakubowski	25 Newberry Ln	Er. Shed	
23887		Majestic Pools Inc	55 Trentwood Trl N	Er. Pool-In Grnd	
23888		Majestic Pools Inc.	55 Trentwood Trl N	Er. Fence	
23889		Sylvia Spencer	161 Hinchey Ave	Re-Roof	(V/L)
23890		Stephen P Warunek	53 Chestnut Corner	Er. Fence	
23891		Jonathan Berent	90 Irwinwood Rd	Er. Fence	(V/L)
23892		Robbie & Kimberly Pagano	15 Prairie Ln	Er. Shed	
23893		Brian J Stanek	400 Seneca Pl	Er. Fence	
23894		Robert & Amy Schweizer	13 Nottingham Ln	Inst. Generator	
23895		GBP, LLC	2085 Como Park Blvd	Er. Fence	(V/L)
23896		Essex Homes of WNY Inc	64 Middlebury Ln	Er. Dwlg.-Sin.	
23897		Leon T Lewek	491 Aurora St	Re-Roof	
23898		Bowen Road Acquisition LLC	22 Logan Ln	Er. Dwlg.-Sin.	
23899		Lisa Jacuzzo	76 Southpoint Dr	Er. Pool-Abv Grnd	
23900		Jaime Fetes	4 Ann Marie Dr	Er. Fence	
23901		Jaime Fetes	4 Ann Marie Dr	Er. Pool-In Grnd	
23902		Joseph & Kim DiGesare	43 Quail Run Ln	Re-Roof	
23903		Joseph J Magiera	21 Rue Madeleine Way	Er. Pool-Abv Grnd	
23904		David & Donna Kapinos	80 Robert Dr	Er. Fence	(V/L)
23905		Mark & Kimberly Passucci	5113 William St	Er. Fence	
23906		The Vinyl Outlet Inc.	335 Pleasant View Dr	Er. Fence	
23907		Sun Enterprises Inc.	2 Nicholas Ln	Er. Shed	
23908		Michelle Moran	43 Benson Dr	Re-Roof	(V/L)
23909		Jeffrey & Rebecca Myers	23W Payne St	Er. Fence	(V/L)
23910		CA Norris LLC	5380 Genesee St	Install Tank(s)	
23911		Mark Melewski	9 Parliament Ln	Er. Fence	
23912		Howard & Lisa Fisher	751 Aurora St	Re-Roof	
23913		Michael & Wendy Sue Bardol	39 Harvey Dr	Re-Roof	(V/L)
23914		Edwin J Bratek	6 Quail Hollow	Er. Res. Add.	
23915		Edward Kegler Jr	58 Roosevelt Ave	Er. Shed	(V/L)
23916		Garrett Hatt	10 Queen's Way	Er. Pool-Abv Grnd	
23917		Chandrac Pryor	25 Middlebury Ln	Er. Deck	
23918		Lucien & Jan Majors	25 Sherwood Rd	Er. Garage	(V/L)
23919		Majestic Pools Inc.	10 Silent Meadow Lane	Er. Pool-In Grnd	
23920		Majestic Pools Inc	10 Silent Meadow Lane	Er. Fence	
23921		Pleasant Meadows Assoc LLC	34 Magrum Ln	Er. Dwlg.-Sin.	
23922		Daniel & Suzzanne Bauer	54 Newberry Ln	Er. Shed	
23923		Switala Berner Construction	5 Schiffler Ct	Re-Roof	
23924		Marrano/Marc Equity Corp	28 Jonquille Ct	Er. Dwlg.-Sin.	
23925		Marrano/Marc Equity Corp	6 Crabapple Ln	Er. Dwlg.-Sin.	
23926		Ryan Homes - NVR Inc	660 Pleasant View Dr	Er. Dwlg.-Sin.	
23927		Robert & Angela Walczyk	20 Candlestick Ct	Re-Roof	
23928		Brian Firestone	266 Westwood Rd	Er. Dwlg.-Sin.	
23929		Kevin & Diane McCoy	170 Central Ave	Re-Roof	(V/L)
23930		Thomas J Kudla	1148 Townline Rd	Re-Roof	

23931	Christopher Koenig	34 Tranquility Trl	Er. Deck	
23932	Denise Robida	420 Townline Rd	Er. Fence	
23933	Gail Watson	199 Lake Ave	Re-Roof	(V/L)
23934	Tim Maier	66 Nichter Rd	Er. Fence	
23935	Tim Maier	66 Nichter Rd	Er. Shed	
23936	Anthony & Judith Lepkowski	373 Seneca Pl	Er. Res. Alt.	
23937	Schuster Construction LLC	46 Court St	Er. Deck	(V/L)
23938	Sterling Modular Homes Inc.	1319 Ransom Rd	Er. Dwlg.-Sin.	
23939	Barbara Garasz	288 Lake Ave	Re-Roof	(V/L)
23940	The Pool Guy	5325 Broadway	Er. Pool-Abv Grnd	(V/L)
23941	Michael Stricht	62 Tranquility Trl	Er. Deck	
23942	Town of Lancaster IDA	68 Ward Rd	Er. Comm. Add./Alt.	
23943	Theodore & Kim Ulanowicz	42 Park Blvd	Re-Roof	(V/L)
23944	Joseph & Lisa Derx	8 Beatrix Cir	Er. Deck	
23945	Richard G Fix II	8 Beatrix Cir	Er. Pool-Abv Grnd	
23946	D Allen & Son Contracting Inc	600 Pleasant View Dr	Re-Roof	
23947	Switala's Siding Cedar Inc.	15 Redlein Dr	Re-Roof	
23948	The Pool Guy	27 Pheasant Run Ln	Er. Pool-Abv Grnd	
23949	3825 Walden Avenue LLC	3825 Walden Ave	Re-Roof	(V/L)
23950	David E Ryszkiewicz	101 Schlemmer Rd	Er. Fence	
23951	Windsor Ridge Partners LLC	40 Worthington Ln	Er. Dwlg.-Sin.	
23952	Theoron & Kathy Strickland	3746 Bowen Rd	Er. Pool-Abv Grnd	
23953	Timothy & Sonja Dembski	52 Woodgate Dr	Re-Roof	
23954	Ryan Homes - NVR Inc	690 Pleasant View Dr	Er. Dwlg.-Sin.	
23955	Ryan Homes - NVR Inc.	37 Middlebury Ln	Er. Dwlg.-Sin.	
23957	Ryan Homes NVR - Inc	22 Crabapple Ln	Er. Dwlg.-Sin.	
23958	Ryan Homes - NVR Inc	20 Crabapple Ln	Er. Dwlg.-Sin.	
23959	A Best Inc	70 Holland Ave	Er. Garage	(V/L)
23960	Marrano/Marc Equity Corp	3 Crabapple Ln	Er. Dwlg.-Sin.	
23961	David Smith	544 Townline Rd	Er. Dwlg.-Sin.	
23962	Michael & Susan Maute	26 Schiffler Ct	Er. Shed	
23963	The Pool Guy	12 Grafton Ct	Er. Pool-Abv Grnd	
23964	Wayne & Susan Bartell	53 Livingston St	Re-Roof	(V/L)
23965	Tri-Town Construction Inc.	4805 Transit Rd	Re-Roof	
23966	Tri-Town Construction Inc.	4805 Transit Rd	Re-Roof	
23967	Briarcliff Associates LP	4805 Transit Rd	Re-Roof	
23968	Briarcliff Associates LP	4805 Transit Rd	Re-Roof	
23969	Alliance Const of WNY Inc	11 Tranquility Trl	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Town of Lancaster Police Patrol Captain, Marco Laurienzo, by letter dated May 18, 2015 has requested the purchase of three (3) new and unused 2015 Dodge Charger Patrol Police Vehicles, for the use within the Police Department, and

WHEREAS, the above-referenced vehicles are available from the Chautauqua County Department of Facilities, Bid Proposal No. E-11-14 PFTH, through authorized police vehicle dealer Dave Warren Chrysler, Dodge, Jeep & Ram, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, Captain Laurienzo has recommended the purchase of the before mentioned vehicles, in accordance with said specifications, from Dave Warren Chrysler, Dodge, Jeep & Ram, 1001 Washington Street, Jamestown, New York 14701, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of said vehicle;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1) The Town Board of the Town of Lancaster hereby approves the purchases of three (3) new and unused 2015 Dodge Charger Patrol Police Vehicles, and that the order for these vehicles is to be placed by the Police Patrol Captain as follows:
 - The purchase of three (3) new 2015 Dodge Charger Patrol Police Vehicles at a unit price of \$28,579.00 per vehicle = \$85,737.00. After trade-allowances below are applied, the total expenditure for this purchase = \$59,737.00.
- 2) That the following vehicles are to be traded to Dave Warren Chrysler, Dodge, Jeep & Ram, as per the trade-in allowance proposal attached to the May 12, 2015 letter:

A. One (1) 2013 Dodge Charger P 4DSD Vin# 2C3CDXAT6DH695013	\$6,500.00
B. One (1) 2013 Dodge Charger P 4DSD Vin# 2C3CDXAT2DH695011	\$8,500.00
C. One (1) 2013 Dodge Charger P 4DSD Vin# 2C3CDXAT4DH695012	\$11,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board has received a rezoning petition from Tyler Development LLC (the “Applicant”) for the purpose of rezoning property located on Broadway in the Town of Lancaster, New York (SBL # 116.00-1-13.11 and 116.00-1-18.21) (the “Property”); and

WHEREAS, the Applicant has requested that the property be rezoned from Residential District One (R-1) and Residential Commercial Office District (RCO) to Multifamily Residential Three (MFR-3); and

WHEREAS, the Town Board referred the rezoning petition to the Planning Board for review and recommendation pursuant to Town of Lancaster Code § 50-42(A)(2); and

WHEREAS, pursuant to Town of Lancaster Code § 50-42(B)(4)(a), the Town Board held a public hearing on the rezoning petition; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.5(c)(37), a denial of a rezoning petition is a Type II action;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The Applicant’s petition to rezone the Property from R-1 and RCO to MFR-3 is DENIED for the reasons stated in the attached written decision, which is incorporated herein by reference.
- 2. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

STATE OF NEW YORK
TOWN OF LANCASTER TOWN BOARD : COUNTY OF ERIE

In the Matter of a Petition for Rezoning of Property Located on
Broadway, Lancaster, New York by:

DECISION

Tyler Development, LLC
163 Stuewe Road
Getzville, New York 14068,

Petitioner,

Petitioner Tyler Development LLC (“Tyler”) submitted a rezoning petition to the Town of Lancaster Town Board (the “Town Board”) seeking to rezone property located on Broadway (SBL # 116.00-1-13.11 and 116.00-1-18.21) (the “Property”) from Residential District One (R-1) and Residential Commercial Office District (RCO) to Multifamily Residential District Three (MFR-3). The proposed future use of the Property, as described in the petition, is “development of single family detached homes.”

The current zoning designation for the Property is R-1 and RCO. The intent of the R-1 zoning district is “[t]o provide areas within the Town for **low-density** single-family detached residential development”¹ The intent of the RCO zoning district is “[t]o provide areas within the Town for the location of commercial and office uses which are not necessarily related to retail trade.”² The majority of the property proposed to rezoned is currently zoned R-1, with a smaller portion fronting Broadway zoned RCO.

The Town Comprehensive Plan and the Town’s Zoning map designate the majority of the property for lower density residential development. The Comprehensive Plan does note that higher density development is permitted near the villages and in sewer districts, but controlling density and providing adequate buffering between high-density developments is an important component of the Comprehensive Plan and the R-1 zoning fulfills that purpose. With respect to Tyler’s rezoning request, the Board finds that the Comprehensive Plan and the current Zoning Regulations do not support the rezoning of the Property to MFR-

¹ Town of Lancaster Code § 50-10(A).

² Town of Lancaster Code § 50-22(A).

3 and the current R-1 zoning should remain in place.³ Lower-density residential development here is contemplated by the current zoning, the Comprehensive Plan, and the unique characteristics of this location.⁴

The Board has previously noted the impacts on flooding, drainage, and wetlands.⁵ The site is located within the 100-year and 500-year floodplains, the depth to the water table is less than three feet, and it is adjacent to wetlands. One of the goals of the Comprehensive Plan is to preserve important environmental features. Increasing the density of this parcel to permit more-intensive development would exacerbate the identified impacts.⁶

With respect to the proposed future use of the Property, the construction of patio homes, it is noted that this development was initially proposed as part of a larger patio home development, adjacent to the east. The continuity of development would have mitigated some aspects of a higher-density development in this area. For example, traffic flow could have been diverted to two exit points, one on Broadway, another on Bowen. This is important due to the increasing traffic at the intersection of Broadway and Steinfeldt. Moreover, drainage could be better coordinated and integrated. The proposal currently before the Board does not include this mitigation.

The Board finds that adding a high-density residential development in this area, in addition to wetlands, potential flooding, drainage, and traffic impacts require denial of the rezoning petition. In summary, the proposed rezoning would not be in the public interest, would be detrimental to surrounding land uses, and is not consistent with the Comprehensive Plan.

For the reasons stated herein, Tyler's rezoning petition is hereby DENIED in its entirety.

³ The Board notes that it reaches this conclusion even though it issued a negative declaration for the proposed rezoning. Evaluation of the criteria for determining significance is a different standard than the Board's legislative determination whether or not to change the law to change the zoning designation for a property. For example, in the negative declaration, the Board determined that impacts to community-plan and community-character consistency were not large enough to warrant the preparation of an environmental impact statement. Nonetheless, the Board determines that these impacts warrant denial of the underlying petition for rezoning.

⁴ It is noted that an R-2 zoning designation may be an appropriate alternative, to balance the goals of the Comprehensive Plan. An R-2 designation would allow somewhat greater density, while lessening the impacts of further increasing density in this area.

⁵ See Negative Declaration, dated March 26, 2015.

⁶ Again, it is noted that the Board determined in the Negative Declaration that these impacts were not large enough, under SEQRA, to warrant the preparation of an environmental impact statement; however, the Board finds them significant enough to deny the petition to change the law to permit higher-density development at this location.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of June 2015, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Official Newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 1st day of June, 2015, the said Town Board will hold a Public Hearing on the 15th day of June, 2015, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article STOP INTERSECTIONS; NON-INTERSECTION STOPS;
YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto following:**

Cross Creek Subdivision

STREET NAME	INTERSECTING STREET	SIGN LOCATION
Darien Court Weathersfield Lane	Tranquility Trail Middlebury Lane	N.W. Corner N.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 4, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle and Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of June, 2015, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

**LEGAL NOTICE PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 1st day of June, 2015, the said Town Board will hold a Public Hearing on the 15th day of June, 2015 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46-28 of the Code of said Town:

ARTICLE XIX -MISCELLANEOUS AND AUXILIARY WARNINGS

Section 46-28 No-outlet roadways designated. is hereby amended by adding thereto:

STREET	DIRECTION	ENTRANCE STREET	SIGN LOCATION
.....			
Buckingham Court	East to West	Intersection of Windcroft Lane	N/W Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN
Town Clerk

June 4, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, R & D Contracting, Inc., 6633 Main Street, Williamsville, New York 14221 has applied to the Town Board of the Town of Lancaster for permits for Private Improvements upon real property in the Town of Lancaster within the Blackstone Court Subdivision, formerly Harris Hill Road Single Family Homes, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the Private Improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT
RESOLVED**, that Private Improvement Permit Application Nos. 739, 740, 741 and 742 of R & D Contracting, Inc., 6633 Main Street, Williamsville, New York 14221 which are permits for Private Improvements for the installation of:

P.I.P. No.739 (Storm Sewer)	Blackstone Court Subdivision, furnish and install 700 LF of 12" pipe, 700 LF of 18" pipe, 5 each catch basins, 3 manholes, and 1 outlet control structure, 1600 LF of 8" perf pipe.
P.I.P. No. 740 (Water Line)	Blackstone Court Subdivision, furnish and install 760 LF of 8" PVC water main, 1 fire hydrant, 760 LF of 4" PVC water (domestic), 1 hot box assembly.
P.I.P. No. 741 (Pavement & Curb)	Blackstone Court Subdivision, construct approx. 800 LF of new road (private) 26 ft wide.
P.I.P. No. 742 (Detention Basin)	Blackstone Court Subdivision, construct stormwater wet detention pond.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

A BOND RESOLUTION, DATED JUNE 1, 2015, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS AND ADDITIONS TO CULVERTS AND BRIDGES (AND ASSOCIATED INFRASTRUCTURE) ALONG VARIOUS ROADS IN THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$2,900,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,900,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") desires to undertake a capital improvements project primarily consisting of the reconstruction of and construction of improvements and additions to culverts and bridges (and associated infrastructure) along various roads in the Town including, but not limited to, Old Post Road, Erie Street, Seneca Place, Maple Drive, Enchanted Forest South, Iroquois Avenue, Broezel Avenue and Lake Avenue, all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, as well as other such improvements as more specifically described in one or more reports prepared with the assistance of an architect or engineer, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project primarily consisting of the reconstruction of and construction of improvements and additions to culverts and bridges (and associated infrastructure) along various roads in the Town including, but not limited to, Old Post Road, Erie Street, Seneca Place, Maple Drive, Enchanted Forest South, Iroquois Avenue, Broezel Avenue and Lake Avenue, all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, as well as other such improvements as more specifically described in one or more reports prepared with the assistance of an architect or engineer, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$2,900,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$2,900,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 91 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution is expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

**NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE
RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS AND
ADDITIONS TO CULVERTS AND BRIDGES (AND ASSOCIATED
INFRASTRUCTURE) ALONG VARIOUS ROADS IN THE TOWN**

Notice is hereby given that at its June 1, 2015 meeting the Town Board of the Town of Lancaster adopted a bond resolution authorizing a capital improvements project primarily consisting of the reconstruction of and construction of improvements and additions to culverts and bridges (and associated infrastructure) along various roads in the Town including, but not limited to, Old Post Road, Erie Street, Seneca Place, Maple Drive, Enchanted Forest South, Iroquois Avenue, Broezel Avenue and Lake Avenue, all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, as well as other such improvements as more specifically described in one or more reports prepared with the assistance of an architect or engineer, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The Town Board plans to finance the estimated maximum cost of the Purpose (\$2,900,000) by the issuance of serial bonds in an aggregate amount not to exceed \$2,900,000, such amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

**BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK**

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends the title of Article III. Refuse Recycling, of the Town of Lancaster Code, Chapter 25. Garbage, Rubbish and Refuse; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on May 18, 2015, where all interested parties were allowed to address the proposed Local Law;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 5 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

**LEGAL NOTICE-
NOTICE OF ADOPTION
LOCAL LAW NO. 5 OF THE YEAR 2015
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 1, 2015 Local Law No. 5 of the Year 2015, which amends the Town of Lancaster Code, Chapter 25. Garbage, Rubbish and Refuse Code to amend the title of Article III, which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 4, 2015

**Town of Lancaster
Local Law No. 5 of 2015**

A Local Law Amending the Town of Lancaster Garbage, Rubbish and Refuse Code to Amend the Title of Article III

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 25 Article III. of the Town of Lancaster Town Code, which currently reads “Refuse Recycling” is hereby amended to read in its entirety as follows:

Article III. Refuse and Recycling

Section 2: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends Section 46-14 within Chapter 46 “Vehicle and Traffic ” Article X “Parking, Standing and Stopping”, Section 14. “Parking time limited in designated locations”; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on May 18, 2015, where all interested parties were allowed to address the proposed Local Law;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. The attached Local Law No. 6 of 2015 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

**LEGAL NOTICE-
NOTICE OF ADOPTION
LOCAL LAW NO. 6 OF THE YEAR 2015
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 1, 2015 Local Law No. 6 of the Year 2015, which amends the Town of Lancaster Code, Chapter 46. “Vehicle and Traffic” Article X: “Parking Standing and Stopping” Section 14(A) and (C) “Parking time limited in designated locations.” which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 4, 2015

**Town of Lancaster
Local Law No. 6 of 2015**

A Local Law Amending the Town of Lancaster “Vehicle and Traffic” Code Article X: “Parking Standing and Stopping” Section 14(A) And (C) “Parking time limited in designated locations” by deleting street names from §46-14(A) and adding them to §46-14(C).

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Section 46-14(A) of the Town of Lancaster Code is hereby amended to read in its entirety as follows:

A. The parking of a vehicle is hereby prohibited in the following locations for a period of longer than two hours between the hours of 9:00 a.m. and 3:00 p.m. daily, Monday through Friday:

- (1) (Reserved)
- (2) (Reserved)
- (3) (Reserved)
- (4) (Reserved)

Section 2: Section 46-14(C) of the Town of Lancaster Code is hereby amended to read in its entirety as follows:

C. The parking of a vehicle is hereby prohibited in the following locations for a period of longer than two hours between the hours of 9:00 a.m. and 3:00 p.m. daily, Monday through Friday, from September 1 through June 30:

- (1) Shadyside Lane.
- (2) Pine View Lane.
- (3) Meadow Lea Drive.
- (4) Donna Lea Drive.
- (5) Impala Parkway.
- (6) Biscayne Drive.
- (7) Matthews Drive

Section 3: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 4: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends the Town of Lancaster Permit and Application Fees; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on May 18, 2015, where all interested parties were allowed to address the proposed Local Law;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 7 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

**LEGAL NOTICE-
NOTICE OF ADOPTION
LOCAL LAW NO. 7 OF THE YEAR 2015
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 1, 2015 Local Law No. 7 of the Year 2015, which amends the Town of Lancaster Permit and Application Fees Code, to delete §30-20(C) due to its redundancy as it is present in §30-20(B), which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 4, 2015

**Town of Lancaster
Local Law No. 7 of 2015**

**A Local Law Amending the Town of Lancaster Permit and Application Fees.
Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

Section 1: Chapter 30 §30-20(C). Private improvement permit fee of the Town of Lancaster Town Code is deleted in its entirety.

Section 2: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends the Town of Lancaster Code Regarding the Required Fee for Public Improvement Permits.; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on May 18, 2015, where all interested parties were allowed to address the proposed Local Law;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 8 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

**LEGAL NOTICE-
NOTICE OF ADOPTION
LOCAL LAW NO. 8 OF THE YEAR 2015
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 1, 2015 Local Law No. 8 of the Year 2015, which amends the Town of Lancaster Code regarding Public Improvements Permit Fees., which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 4, 2015

**Town of Lancaster
Local Law No. 8 of 2015**

**A Local Law Amending the Town of Lancaster Code Regarding The Required Fee for
Public Improvement Permits.**

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 11 §11-1. Permit required; fee. of the Town of Lancaster Town Code is amended to read in its entirety as follows:

§11-1. Permit Required Fee.

No person, firm, association or corporation shall install, construct or perform any work incident to the installation and/or construction of any public improvement upon real property in the Town of Lancaster without first having obtained a permit therefor, to be issued by the Town Clerk with the approval of the Town Board after certification by the Town Engineer that the plans and specifications as submitted by the applicant comply with the specifications and requirements of the Town of Lancaster. **The fee for such permit shall be as set forth in Section 30-20 of the Town of Lancaster Code.**

Section 2: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated May 21, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Alexandra Marrano (rehire) Lancaster, NY	Recreation Attendant	\$9.00	June 2, 2015
Stephen Glinski (new hire) Lancaster, NY	Laborer	\$9.00	June 2, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated May 26, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Youth Bureau, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Lauren Nickles (new hire) Lancaster, NY	Tutor	\$15.00 hr.	June 1, 2015
Daniel Archdeacon (new hire) Williamsville, NY	Tutor	\$15.00 hr.	June 1, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Executive Director of the Town of Lancaster Youth Bureau, by letter dated May 27, 2015, has recommended the appointment of Carol Sporysz of Lancaster, New York to the position of Clerk, part-time permanent working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, that Carol Sporysz be and is hereby appointed to the position of Clerk, part-time permanent in the Youth Bureau at the rate of \$10.00 per hour, effective June 1, 2015 and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the State University of New York College at Buffalo desires to have an association with the Town of Lancaster for the purpose of allowing college interns to participate in the Mentoring Program through the Town of Lancaster Youth Bureau, and

WHEREAS, it would be in the public’s interest for the Supervisor to enter into an Affiliation Agreement between the Town of Lancaster and the State of New York College at Buffalo, Bachelor of Social Work Program allowing the involvement of college interns to participate in the Mentoring Program within the Lancaster community under the Supervision of the Town’s Youth Bureau, and

WHEREAS, the college interns would provide support and encouragement to children under trained mentors at no cost to the Town of Lancaster.

**NOW, THEREFORE, BE IT
RESOLVED**, that the Town Board of the Town of Lancaster, hereby authorizes the Supervisor of the Town of Lancaster to enter into an Affiliation Agreement with the State of New York College at Buffalo, Bachelor of Social Work Program, in the form approved by the Town Attorney, allowing college interns to participate in the Mentoring Program through the Town’s Youth Bureau for the period of August 1, 2015 through May 31, 2016.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 1, 2015

COMMUNICATIONS & REPORTS

- 367. NYS Dept. of Environmental Conservation to Town Attorney –
Lead agency designation and comments regarding Proposed Mixed Residential Development, 5335 William St. Disposition = Planning Committee**
- 368. Town Engineer to Town Clerk –
Map cover for Blackstone Court Subdivision attached for signature.
Disposition = Received & Filed**
- 369. Planning Board Chairman to Town Board, Planning Board, Town Engineer, Town Attorney, Highway Superintendent and Building Inspector –
Draft minutes from Planning Board meeting held on May 6, 2015.
Disposition = Planning Committee**
- 370. Planning Board to Town Board –
Table Bochiechio Condominiums project, 5802 Broadway (behind Alden State Bank) to a future Planning Board meeting. Disposition = Planning Committee**
- 371. Planning Board to Town Board –
Table Proposed Mixed Use Residential project, 5335 William St. to a future Planning Board meeting. Disposition = Planning Committee**
- 372. Town Clerk to Various News Media –
Press Release regarding Yard Sale Permits for the Town of Lancaster (excluding the Villages of Lancaster and Depew). Disposition = Received & Filed**
- 373. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Division of Sewerage Management, NYSDOT, Erie County DEP –
Request lead agency designation regarding Adam's Nursery Greenhouse Expansion, 5799 Genesee St., (Proj. #5028). Disposition = Planning Committee**
- 374. Lancaster residents to Town Board –
Signed petition opposing the 5335 William Street re-zone project.
Disposition = Received & Filed**
- 375. Park Crew Chief to Supervisor and Town Board –
Request upgrade for Laborer Aide Dennis Komrek to the position of Laborer.
Disposition = Received & Filed**
- 376. Jennifer Delaney, PE, Erie County Health Dept. to Supervisor –
Copy of letter to Deputy Commissioner, Erie County Dept. of Sewerage Management regarding approval with conditions for Salvatore's Hotel Sanitary Sewer relocation. Disposition = Received & Filed**
- 377. Park Crew Chief to Planning Board Chairman, Planning Board Members, Council Member Abraham, Council Member Ruffino, and Council Member Stempniak --
No issues with application for site plan approval for Adam's Nursery Expansion, 5799 Genesee Street (Proj. #5028). Disposition = Received & Filed**
- 378. Park Crew Chief to Planning Board Chairman, Planning Board Members, Council Member Abraham, Council Member Ruffino and Council Member Stempniak –
No issues with application for site plan for Superior Pallets, Inc., 00 Walden Ave., behind Orville's Warehouse (Proj. #3015). Disposition = Received & Filed**
- 379. Town Attorney to Paul Maute, Mayor of Lancaster –
Code Enforcement Services in the Village of Lancaster.
Disposition = Received & Filed**
- 380. Town Clerk to Town Board –
Special Use Permit application for Jennifer Cuttitta, 510 Town Line Road.
Disposition = For Resolution**

381. Village of Lancaster to Town Board –
Minutes of special meeting held on May 1, 2015. Disposition = Received & Filed
382. Village of Lancaster to Town Board –
Minutes of regular meeting held on April 27, 2015. Disposition = Received & Filed
383. Brian M. Kolb, State Assembly Minority Leader to Town Clerk –
Receipt of resolution requesting New York State to appropriately disburse funds collected through public safety communications surcharge.
Disposition = Received & Filed
384. Town of Newstead to Town Clerk –
Notice of public meeting regarding Emerald Ash Borer beetles on June 3, 2015 at Newstead Fire Hall. Disposition = Received & Filed
385. Town Clerk to Town Engineer and Building Inspector –
Transmittal of Application for Dumping Permit for Nellie Konst, 3803 Bowen Road. Disposition = For Resolution
386. Historical Preservation Commission to Supervisor –
Information regarding Meet and Greet with the Village of Lancaster Historic Preservation Commission on June 10, 2015 at 42 Aurora St.
Disposition = Received & Filed
387. Erie County Dept. of Environment & Planning to Town Clerk –
Household Hazardous Waste Drop-Off Day on June 13, 2015 at Erie Community College, South Campus. Disposition = Received & Filed
388. Lancaster residents to Town Board –
Signed petition opposing 5335 William Street rezone project.
Disposition = Received & Filed
389. Residents of Deepwood Place to Town Board –
Signed petition opposing Hidden Meadow Subdivision.
Disposition = Received & Filed
390. Park Crew Chief to Supervisor and Town Board –
Request for appointment of two individuals to the position of part-time temporary seasonal employees for the summer of 2015 in the Parks, Recreation & Forestry Dept. Disposition = Resolution 6/1/15
391. Youth Bureau Executive Director to Supervisor and Town Board –
Recommend two individuals for the position of tutor in the Youth Bureau's Special Exam Prep Session effective June 1, 2015 through August 31, 2015.
Disposition = Resolution 6/1/15
392. John Trojanowsky, Youth Bureau to Supervisor –
Recommend appointment of Carol Sporysz for part-time permanent office help effective June 1, 2015. Disposition = Resolution 6/1/15
393. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment and Planning regarding Summerfield Farms 6 (40 patio homes). Disposition = Planning Committee
394. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment and Planning regarding Auto Holding Center, 00 Genesee St. (Proj. #4212).
Disposition = Planning Committee
395. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment and Planning regarding Harris Hill Subdivision, 12 single-family homes, Harris Hill Rd.
Disposition = Planning Committee

- 396. Scott McFarland and concerned residents to Town Board and Town Clerk –
Signed petition strongly opposing the 5335 William St. rezone project.
Disposition = Received & Filed**
- 397. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned in memory of Ryan Cassulo, Mary Jurek and Carol A. Schmelzer at 8:08 P.M.

Signed _____
Johanna M. Coleman, Town Clerk